

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)
CERTIFIED FARMERS' MARKET ADVISORY COMMITTEE
Meeting Minutes
January 3, 2005
Torrance, California**

MEMBERS

Harry Brown-Hiegel
Jim Russell
Gene Etheridge
Jim Eldon
Gail Hayden
Lynn Bagley
Howell Tumlin
Mary Lou Weiss
Scott Hudson

ALTERNATES MEMBERS

Fred Ellrott, Voting
Jane Allen, Voting
Doug Hayden
Mary Hillebrecht, Voting (until
the arrival of Howell Tumlin)

CDFA

Janice Price
Susan Shelton

INTERESTED PARTIES

Dale Whitney, Harbor Area CFM
Laura Avery, Santa Monica CFM

ITEM 1: ROLL CALL

Harry Brown-Hiegel called the meeting to order at 10:09 A.M. Janice Price called the roll and a quorum was established.

A. INTRODUCTION OF GUESTS

Introductions were made. New member, Jim Eldon, introduced himself.

ITEM 2: APPROVAL OF NOVEMBER 8, 2004 MEETING MINUTES

MOTION: Gail Hayden moved to approve the minutes as submitted. Mary Lou Weiss seconded. The motion passed with one abstention.

ITEM 3: APPROVAL OF AGENDA

Janice Price asked that miscellaneous announcements be added to the agenda. This was placed on the agenda as Item 4.f.

MOTION: Mary Hillebrecht moved to approve the agenda as amended. Jane Allen seconded. The motion passed unanimously.

ITEM 4: REPORTS

A. CFM REMITTANCE FEE AND DELINQUENT MARKET REPORTS: 1st, 2nd, AND 3rd, QUARTERS, 2004 – JANICE PRICE

Janice Price pointed out that the number of markets has grown steadily since the \$.60 fee was established. She also explained that CDFA is working closely with the counties so that certificates are not renewed if the market is delinquent in paying its fees.

B. CDFA BUDGET REPORTS: OCTOBER AND NOVEMBER, FISCAL YEAR 2004/05 – JANICE PRICE

Janice Price reported that the October Budget Report shows a \$68 charge under the Travel Blanket Out-State category. She stated that she would look into that charge as no personnel in the Certified Farmers' Market Program have taken out-of-state trips.

Janice stated that all other areas of the budget report appear to be in order.

C. PROPOSED REGULATION UPDATE – JANICE PRICE

The comment period ended November 27, 2004 regarding the proposed regulation modification, which states certain information on organic documents may be concealed from public view. This modification also includes a requirement of organic sellers to provide to enforcement officers, upon request, a copy of the original, unaltered, current organic documents.

CDFA has proposed a regulation (Section 1392.8.1) that will require market operators, who are delinquent 60 days in their payment of their market fees, to pay a \$100 late penalty fee. An additional \$100 penalty would be imposed every 30 days thereafter, until the fees are paid or their certificate expires. The comment period ends January 5, 2005.

D. CFMAC APPOINTMENT QUESTIONNAIRES AND INDUSTRY LETTERS OF RECOMMENDATION – JANICE PRICE

Janice reminded the members whose terms are expiring to return their reappointment questionnaires, prospective member appointment questionnaires, and industry letters of recommendation.

She also stated that Stephen Bird and Joel Kiff have officially notified CDFA to not consider their reappointment for the upcoming term. Gail Cunningham has not officially notified the Department.

E. LETTERS OF SUPPORT FOR REGULATORY PROPOSAL FOR
DELINQUENT MARKET PENALTY – JANICE PRICE

Janice explained that CDFA has not received any letters against, or in support of, this regulation. Harry Brown-Hiegel stated that, on behalf of the CFMAC, he would send a letter of support. He also encouraged individual members to send letters.

F. MISCELLANEOUS ANNOUNCEMENTS – JANICE PRICE

Budget Letter 04-38 was passed out to each member of the CFMAC. This memo from the Department of Finance stated, "...all State advisory bodies are directed to exercise fiscal prudence to limit the number of meetings held throughout the year to only those deemed absolutely necessary..."

Janice explained that CDFA has not given a direct request to CFMAC to limit the number of meeting held each year; however, it is an issue to be discussed. Gail Hayden suggested that this topic be added to the agenda of the next CFMAC meeting.

Gail Hayden and Lynn Bagley have served on the CFMAC since 1997, and according to statute, will be unable to serve another consecutive term. To recognize and honor Gail and Lynn for their years of service to the CFMAC, Janice presented each of them with an engraved fruit knife and a certificate of appreciation signed by A.G. Kawamura.

G. AGRICULTURAL COMMISSIONERS

Scott Hudson reported that CACASA's Direct Marketing Subcommittee has received most of the completed surveys back from the county commissioners. A complete cost analysis to determine the current costs, what the cost would be for enforcement of the full CFM program as it currently stands, and what the cost would be for an audit based program will be compiled shortly.

Scott explained that initial thoughts are that it would improve the program and decrease costs. He explained that the major violations occur in the market, not the field. On an audit-based program the inspector would go to the market for

the initial inspection and then follow up with a field inspection. This program will track market to field inspections instead of field to market. It is anticipated that a producer would be inspected approximately once every three years.

If an audit based program is thought to be more cost effective, than it will be implemented as a pilot program. This will help determine the feasibility and/or problems with such a program before being rolled out completely.

H. LONG RANGE PLANNING SUBCOMMITTEE – JANE ALLEN, CHAIR

Jane Allen reported that the subcommittee met on November 17, 2004; however, a quorum was not established. Louise Dyble continues to work on the final survey result compilation. The next meeting will be scheduled when information is obtained from Louise.

I. FINANCE SUBCOMMITTEE – SCOTT BEYLIK, CHAIR

No report at this time.

J. MARKET STANDARDS/MANAGER CERTIFICATION SUBCOMMITTEE -
HOWELL TUMLIN, CHAIR

Howell Tumlin reported that the subcommittee met on December 2, 2004. They reviewed the proposed amendments and discussed clarification of the proposed sections 1392.9(c) and 1392.9(d). They will meet again on January 13, 2005.

K. ENFORCEMENT/MATRIX SUBCOMMITTEE – SCOTT HUDSON, CHAIR

Scott Hudson explained that this subcommittee has not met since the last CFMAC meeting. However, he plans to schedule a meeting in the near future to discuss matrix issues.

L. NON-CERTIFIABLE AGRICULTURAL PRODUCTS SUBCOMMITTEE – JIM
RUSSELL, CHAIR

Jim Russell reported that the subcommittee met on December 13, 2004. They discussed definitions for seasonings, herbs, spices, and preservatives. The next meeting has not yet been scheduled.

M. POLICY AND PROCEDURES SUBCOMMITTEE – HOWELL TUMLIN, CHAIR

Howell Tumlin reported that the subcommittee met on November 23, 2004. They discussed the amendments to Committee Procedures 2.6 and 1.7. They will meet again on January 18, 2005.

N. CHAIRMAN'S REPORT – HARRY BROWN-HIEGEL

Harry Brown-Hiegel thanked the subcommittees and their chairs for all of the hard work on the many issues that they bring forth to the committee.

Harry Brown-Hiegel and Gail Hayden reported on the recent meeting they had with A.G. Kawamura, Valerie Brown, Steve Mauch, and Rick Jensen. During this meeting the history and future of direct marketing was discussed, as well as funding issues, value added products, and various certified farmers' market issues. A.G. Kawamura is very familiar with many of the issues related to this program and is an advocate of nutrition and nutrition education. Valerie Brown explained that in the pipeline there is the possibility of specialty crop funds that can be used on various applicable statewide issues.

A.G. requested that the CFMAC prepare and submit a ten-year vision statement. This statement will include ideas for growth and stability of the program. This will be added to the agenda for the next CFMAC meeting.

ITEM 5: COMMITTEE BUSINESS

A. PROPOSED CFMAC PROCEDURE AMENDMENT TO SECTION 2.6,
COMMITTEE ACTION VOTES – HOWELL TUMLIN

Recommended to the committee was the addition of the following provision to the Committee Procedures:

2.6 Committee Action. a) Quorum. A quorum for the conduct of...

b) Votes. All votes will be conducted openly except in the case of the election of Committee officers, where a written ballot may be used. The Committee Chair may decide to conduct a vote by general consent, voice, show of hands or a roll call vote. Anyone may request that a Committee vote be taken by roll call of the Committee members and recorded in the minutes of the meeting. The Committee Chair shall not unreasonably deny such a request. The ruling of the Chair to deny a roll call vote may be overturned by a vote of the majority

of the Committee. Votes taken during teleconference meetings of the Committee or subcommittees shall be by roll call vote and shall be recorded in the minutes of the meeting.

B. PROPOSED CFMAC PROCEDURE AMENDMENT TO SECTION 1.7, SUBCOMMITTEES – HOWELL TUMLIN

Recommended to the committee was the revision of the following provision to the Committee Procedures:

1.7 Subcommittees. Subcommittees shall be created at the discretion of the Committee at the beginning of each Committee year or whenever necessary for issues that require further study. The chairperson and membership of these subcommittees shall be determined by the Committee at the first meeting after newly appointed Committee members are seated. The Committee may decide to add or remove subcommittee members at any time and as it deems necessary.

MOTION: Jim Russell moved to amend Section 2.6 and 1.7 of the CFMAC Procedures as submitted by the Policies and Procedures Subcommittee. Scott Hudson seconded. The motion passed unanimously.

C. REGULATION PROPOSAL FOR DEFINITION OF PROCESSED AGRICULTURAL PRODUCTS – JIM RUSSELL

On behalf of the Non-Certifiable Agricultural Products Subcommittee, Jim Russell presented to the CFMAC the following revisions of Section 1392.2. Definitions:

(u) Processed Agricultural Products.

Processed agricultural products shall be defined as the simple, mechanical processing of agricultural products, such as, but not limited to, juicing, drying or shelling, provided, however, that the seller has produced all of the ingredients contained in the product. ~~Except for seasoning,~~ The only exceptions to this production requirement shall be the inclusion of an ingredient used as a preservative, such as salt; natural smoking of meats; sulfites added to dried fruits and vegetables; sugar and pectin added in the making of jams, jellies, and preserves; seasoning, such as pepper; and salt brine solution for curing and pickling of olives and cucumbers. ~~A seller of processed agricultural products must document compliance with these production requirements, must have a copy of the documentation in his or her possession at the point of sale,~~

~~and must make this documentation available upon request of an enforcing officer.~~

1. SEASONING

(v) Seasoning. Seasoning shall be defined as salt, pepper, or any herb or spice used to give additional flavor to food. Seasoning shall not include artificial flavoring.

2. HERB

(w) Herb. Herb shall be defined as a low growing aromatic plant used fresh or dried for seasoning in food preparation.

3. SPICE

(x) Spice. Spice shall be defined as any of various aromatic vegetable products (such as pepper or nutmeg) used to season foods.

Various discussions ensued regarding the wording of these definitions and the definition of processed agricultural products. Requests were made to delete "olives and cucumbers" from (u), and delete "low growing" from (w). An in-depth discussion regarding (v) "artificial flavorings" and "flavorings", in general, were debated. The need to place a quantifiable limit on the amount of these ingredients was raised.

MOTION: Howell Tumlin moved to send these definitions back to the subcommittee for further review and revision. Lynn Bagley seconded. The motion passed with one abstention.

Jim Russell requested that the issue go to the Enforcement Subcommittee instead, explaining that this subcommittee has worked on this wording multiple times with no consensus. Scott Hudson, Chair of the Enforcement Subcommittee asked that they work in conjunction with the Non-Certifiable Subcommittee. There was some discussion that the work should be done strictly at a CFMAC meeting.

MOTION: Mary Lou Weiss moved to send "1392.2. Definitions." back to the Non-Certifiable Subcommittee and to have them involve the Enforcement Subcommittee in further modifications. Fred Ellrott seconded. The motion passed.

4. PRESERVATIVE

Jim Russell requested the CFMAC review the following possible definitions of the term "preservative" used in the proposed definition of "processed agricultural products".

An additive, substance or ingredient added to agricultural products to prevent decomposition due to chemical change or bacterial action. Preservatives may be used to improve appearance, taste, texture or nutritive value.

Or

An additive, substance or ingredient added to agricultural products to protect against decay, discoloration, or spoilage. Preservatives may be used to improve appearance, taste, texture or nutritive value.

Mary Hillebrecht suggested that the two proposed definitions be combined. The following definition was formed:

(y) Preservative. An additive, substance or ingredient added to agricultural products to prevent decomposition due to chemical change or bacterial action and/or protect against decay, discoloration, or spoilage. Preservatives may be used to improve appearance, taste, texture or nutritive value.

MOTION: Jim Russell moved to accept a definition for preservative. Gail Hayden seconded. The motion passed unanimously.

MOTION: Jim Russell moved to accept the definition of preservative suggested by Mary Hillebrecht, identified as (y) on the previous page. Jane Allen seconded. The motion passed unanimously.

D. PROPOSAL TO SET DAY AND TIME OF SUBCOMMITTEE MEETINGS – FRED ELLROTT

Fred Ellrott raised the question for discussion of setting a specific day of the week and a standing time for subcommittee meetings. It was decided to not adopt this and continue the practice of meetings being set at the discretion of the chairs and subcommittees.

E. ELECTION OF CFMAC OFFICERS – HARRY BROWN-HIEGEL

Howell Tumlin nominated Harry Brown-Hiegel for CFMAC Chair. Harry accepted the nomination. Mary Lou Weiss nominated Fred Ellrott for CFMAC Chair. Fred accepted the nomination. After a brief speech by each candidate and a secret ballot, Fred was elected as Chair for the next one-year term.

Mary Lou Weiss nominated Jane Allen for CFMAC Vice Chair. Jane accepted the nomination. Jim Russell nominated Harry Brown-Hiegel for CFMAC Vice Chair. Harry accepted the nomination. After a brief speech by each candidate and a secret ballot, Harry was elected as Vice Chair.

MOTION: Howell Tumlin moved to close the nomination process and accept Fred Ellrot as Chair and Harry Brown-Hiegel as Vice Chair. Lynn Bagley seconded. The motion passed unanimously.

ITEM 6: NEW BUSINESS - DISCUSSION ONLY

Janice Price informed the committee that CDFA recently sent an enforcement letter to the counties requesting their help in aiding the Department in maintaining a current listing of industry members and their mailing addresses. CDFA has established uniform guidelines to issue certified producer and market certificates.

Janice reported that the CFM On-Line Certification program is being discussed further. The CDFA IT team is awaiting the results of the surveys sent to the county commissioners requesting their feedback on implementing such a system. Results of surveys received to date show that commissioners support and would value the on-line certification program.

As an update on the status of appeals, Janice explained that prior to June there were six farmers appealing the commissioner's actions/decisions, and currently there is only one pending at this time, in addition to one market vs. farmer appeal. CDFA has hired a new attorney in the legal office who will be working with the CFM program.

ITEM 7: MEMBER ROUNDTABLE DISCUSSION – HARRY BROWN-HIEGEL

Gail Hayden announced that the National Farmers' Market Coalition Workshop will be held February 10, 2005 in Boston, MA. For more information go to www.nafdma.com.

As her closing statement, Gail urged the committee members to continue to turn to their constituents for broader viewpoints. She also stressed the importance of marketing and suggested that revocation sheets be printed with smaller font to decrease the size and promote broader usage.

The upcoming Small Farm Conference will be held November 13-15, 2005 in Ventura, CA.

Many members expressed their appreciation and thanks to Gail Hayden and Lynn Bagley for their years of service on the Committee and their hard work in bringing forth changes in the certified farmers' market arena.

Thanks were expressed to Harry Brown-Hiegel for his exceptional job as CFMAC Committee Chair during the period of Jerry Gonce's retirement and the recent election.

ITEM 8: NEXT MEETING MARCH 14, 2005 – SACRAMENTO/NEW AGENDA ITEMS – HARRY BROWN-HIEGEL

The next meeting has been scheduled for March 14, 2005 in Sacramento, CA at the Farm Bureau.

ITEM 9: ADJOURNMENT

MOTION: Jim Russell moved to adjourn the meeting. Mary Lou Weiss seconded. The motion passed unanimously.

The meeting adjourned at 2:17 P.M.

Respectfully submitted by:

Janice Price, Supervisor
Certified Farmers' Market Program
Inspection and Compliance Branch